



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cr1.OP.(MD)No.6851 of 2020

WEB COPY

Pavalan

: Petitioner

Vs.

1.The Inspector of Police,
Othakadai Police Station,
Madurai District.
Cr.No.137 of 2020

2.The Inspector of Police,
Rockfort Police Station,
Trichy.

: Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the first respondent Police to seize the vehicle bearing registration No.TN-48-AD-2535 (Yamaha Bike) involved in Crime No.137 of 2020, lying with the second respondent Police and to produce the same before the concerned Court.

For Petitioner : Mr.Ravi
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The petitioner has filed this criminal original petition seeking a direction to the first respondent to seize the vehicle bearing registration No.TN-48-AD-2535 (Yamaha Bike), lying with the second respondent Police and produce the same before the concerned Court.

2. According to the petitioner, the theft property in Crime No.137 of 2020 on the file of the first respondent / Othakadai Police has been recovered in connection with a case by the second respondent / Rockfort Police, Trichy. But, even then, the recovered vehicle has not been remanded before the concerned Judicial Magistrate and therefore, he is not in a position to get back the property.

3. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor takes notice for the respondents and would submit that in view of the present COVID-19 pandemic, the first respondent / Othakadai Police was not in a position to collect the property from the second respondent / Rockfort Police, Trichy and produce before the concerned Judicial Magistrate. He would further submit that due to some recent developments, the concerned Court at Melur is also



4. In view of the rival submissions, this Court deems it fit to issue the following directions:

i) the first respondent / Othakadai Police shall take necessary steps to remand the motor cycle bearing registration No.TN-48-AD-2535 / theft property, before the concerned Judicial Magistrate or before the in-charge Judicial Magistrate, within a period of ten days from the date of receipt of a copy of this order; and

ii) as soon as the property is produced before the Court, the petitioner shall file an application under Section 451 Cr.P.C. for return of property and if any application is filed, the concerned Judicial Magistrate or the in-charge Magistrate, as the case may be, shall consider the same and decide the application within a further period of two weeks, thereafter.

5. With the above directions, this criminal original petition stands disposed of.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Othakadai Police Station,
Madurai District.
Cr.No.137 of 2020

2.The Inspector of Police,
Rockfort Police Station,
Trichy.

3.The additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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